

IN THE SUPREME COURT OF FLORIDA

CASE NO: SC00-2373

BEVERLY ROGERS, et. al. v. **THE ELECTIONS CANVASSING
COMMISSION OF THE STATE OF
FLORIDA, et al.**

Petitioners/Appellants

Respondents/Appellees

4TH DCA CASE NOS. 4D00-4145, 4D00-4146 and 4D00-4153

FROM THE CIRCUIT COURT, FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE NO.:CL 00-10992 AF

**PETITIONERS' MOTION FOR LEAVE TO FILE AMENDED BRIEF
AND MOTION TO SET ORAL ARGUMENT**

The Petitioners, BEVERLY ROGERS, et al, file this Motion for Leave to File Amended Brief and Motion to set Oral Argument, and in support thereof state the following:

1. This case is one of many lawsuits filed by voters in Palm Beach County regarding the butterfly ballot utilized in Palm Beach County, Florida for the Presidential election. Plaintiff sought injunctive relief and a declaration that the form of the ballot violates various Florida statutes. As one of the alternative remedies, Plaintiffs' sought a new election for the President and Vice-President of the United States to be conducted in Palm Beach County, Florida. On November 20, 2000, the trial court entered an Order essentially

determining that the Plaintiffs' failed to state a cause of action upon which relief could be granted since the court ruled that relief requested by Plaintiff in the form of new election is unconstitutional.

2. On November 20, 2000 Petitioners appealed Judge Labarga's ruling, seeking immediate certification from the Fourth District Court of Appeal under Rule 9.125, *Fla. R. App. P.* In the hope that the Fourth District would immediately certify the matter, Petitioner also filed with this Court their Initial Brief/Petition. However, the Fourth District initially declined to immediately certify the matter, instead instructing the parties to submit briefs on an expedited basis and setting oral argument. Just yesterday, after convening *en banc*, the Fourth District determined that the case required immediate review by this Court.

3. Given the foregoing, and since undersigned has had additional time to (hopefully) improve upon the brief submitted last week, Petitioners request leave of court to file an Amended Initial Brief/Petition, in accordance with the time parameters laid out by this Court in its Order dated November 27, 2000.

4. In addition, Petitioners request that this Court grant this request for oral argument and set argument on an expedited basis, certainly no later than November 30 or December 1, 2000. Petitioners respectfully submit that a case of this magnitude with such far-reaching national implications deserves oral argument, and the Court's understanding and appreciation of the issues involved and the viability of the relief sought will be enhanced by the granting of oral argument.

WHEREFORE, Petitioners respectfully request that this Court enter an order granting the relief requested herein.

Respectfully submitted,

Gary M. Farmer, Jr., Esq.
GILLESPIE, GOLDMAN, KRONENGOLD
& FARMER, P.A.
6550 N. Federal Highway, Suite 511
Fort Lauderdale, Florida 33308
Telephone No.: (954) 771-0908

David H. Krathen, Esq.
Fla. Bar No. 147810
LAW OFFICES OF DAVID KRATHEN
888 E. Las Olas Blvd., STE 200
Ft. Lauderdale, FL 33301

Stephen A. Sheller, Esq.
SHELLER, LUDWIG & BADEY
1528 Walnut St., 3rd Floor
Philadelphia, PA 19102

By: _____
GARY M. FARMER, JR.
FLA. BAR NO. 914444

By: _____
DAVID H. KRATHEN
FLA. BAR NO. 147810

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been mailed
this _____ day November, 2000 to: All Counsel on Attached Service List.

Gillespie, Goldman, Kronengold & Farmer, P.A.
Counsel for Plaintiffs/Appellants
6550 N. Federal Hwy., STE 511
Ft. Lauderdale, FL 33308
(954) 771-0908 - ph
(954) 771-9880 - fax

By: _____
GARY M. FARMER, JR.
Fla. Bar No. 914444

Rogers, et al. v. The Elections Canvassing Commission of the State of Florida
Case No.: CL-00-109992 AF

SERVICE LIST

David H. Krathen, Esq.
Michael Freedland, Esq.
LAW OFFICES OF DAVID KRATHEN
888 E. Las Olas Blvd., STE 200
Ft. Lauderdale, FL 33301
Phone: (954) 467-6400

Stephen A. Sheller, Esq.
SHELLER, LUDWIG & BADEY
1528 Walnut St., 3rd Floor
Philadelphia, PA 19102

Donald Feldman, Esq.
Henry B. Handler, Esq.
WEISS & HANDLER, PA.
2255 Glades Road, Suite 218A
Boca Raton, Florida 33431
Phone: (561) 997-9995
Fax: (561) 997-5280

Gregory F. Barnhart, Esq.
SEARCY, DENNEY, SCAROLA,
BARNHART & SHIPLEY, P.A.
2139 Palm Beach Lakes Boulevard
P.O. Box 3626
West Palm Beach, Florida 33402
Phone: (561) 686-5300
Fax: (561) 478-0754

Mark A. Cullen, Esq.
The Szymoniak Firm, P.A.
2101 Corporate Boulevard, Suite 415
Boca Raton, Florida 33431
Phone: (561) 989-9669
Fax: (561) 989-9660

Benedict P. Kuehne, Esq.
SALE & KUEHNE
100 SE 2nd Street
Miami, Florida 33131
Phone: (305) 789-5989
Fax: (305) 789-5987

Barry Richard, Esq.
GREENBERG, TRAUIG, P.A.
101 E. College Avenue
P.O. Box Drawer 1838
Tallahassee, Florida 32302
Phone: (850) 222-6891
Fax: (850) 681-0207

Gary M. Dunkel, Esq.
Barry Richard, Esq.
GREENBERG, TRAUIG, P.A.
777 S. Flager Drive
West Palm Beach, Florida 33401
Phone: (561) 650-7900
Fax: (561) 655-6222

John W. Little, III, Esq.
STEEL, HECTOR & DAVIS, P.A.
777 South Flagler Drive
West Palm Beach, Florida 33401
Phone: (561) 650-7200
Fax: (561) 655-1509

Patrick Lawlor, Esq.
YOUNG & LAWLOR, P.A.
1701 W. Hillsboro Blvd, Suite 203
Deerfield Beach, Florida 33442
Phone: (954) 426-8226
Fax: (954) 481-3631

Robert M. Montgomery, Jr., Esq.
MONTGOMERY & LARMOYEUX
1016 Clearwater Place
West Palm Beach, Florida 33401
Phone: (561) 832-2880
Fax: (561) 832-0887

James C. Mize, Jr., Esq.
Denise D. Dytch, Esq.
Palm Beach County Attorney
301 N. Olive Avenue
West Palm Beach, Florida 33401
Phone: (561) 355-2225
Fax: (561) 355-4398

Bruce S. Rogow, Esq.
c/o Nova SE University Law School
3305 College Avenue
Ft. Lauderdale, Florida 33314
Phone: (954) 262-6100
Fax: (954) 262-3834

Colby M. May, Esq./Stuart R. Roth
1000 Thomas Jefferson Street, NW
Suite 609
Washington, DC 20007
Phone: (202) 337-2273
Fax: (202) 337-3167